

815 KAR 25:090. Site preparation and installation minimum requirements.

RELATES TO: KRS 227.550, 227.570, 227.590(2), 227.660, 227.990

STATUTORY AUTHORITY: KRS 227.570(2), 227.590(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 227.570(2) requires the office to enforce standards of installation, adopted by the Manufactured Home Certification and Licensure Board, as it determines are reasonably necessary to protect public health and safety. KRS 227.590(1) charges the board with establishing the standards and the office with enforcing state and federal law. This administrative regulation establishes minimum requirements for the installation of manufactured homes on permanent foundations.

Section 1. Definitions. (1) "ANSI" means the American National Standards Institute as referenced in ANSI-A225.1, Manufactured Home Installations, 1994 Edition, incorporated by reference.

(2) "Board" is defined in KRS 227.550(1).

(3) "Certified installer" means the individual certified, in accordance with 815 KAR 25:080, to install manufactured homes.

(4) "Installation" means the work performed by a certified installer on-site and the operations involved in the delivery, permanent securing, and placement of a manufactured home for the purpose of human occupancy, to:

(a) Include the following:

1. Preparation of a permanent foundation;
2. Placement of polyvinyl covering on the ground, if applicable;
3. Placement and connection of utilities performed by appropriately-licensed contractors;
4. Anchoring and tying down; and
5. Installation of other accessory or appurtenance specified in the sales contract; and

(b) Exclude the following:

1. Site preparation; and
2. For a single-section home, ground set after site preparation.

(5) "Office" is defined in KRS 227.550(11).

(6) "Permanent foundation" means a system of supports:

(a) Capable of transferring without failure, into soil or bedrock, the maximum design load imposed by or upon the structure;

(b) Constructed of concrete; and

(c) Placed at a depth below grade adequate to prevent frost damage.

(7) "Placement" means blocking, leveling, and anchoring a manufactured home upon a foundation system prior to occupancy.

(8) "Retailer" is defined in KRS 227.550(4).

(9) "Site preparation" means work performed on the land in preparation for installation of the home:

(a) Including:

1. Clearing and initial grading;
2. Water drainage; and
3. Vegetation control; and

(b) Excluding final grading after the home has been set.

Section 2. Minimum Site Preparation and Installation Standards. (1) Site preparation, installation, and ground anchoring of a new home or a used home with a B1 seal shall be performed in accordance with KRS 227.570(3).

- (2) The permanent foundation system shall include:
 - (a) Piers set partially or completely below grade;
 - (b) Footers and perimeter blocking, if required;
 - (c) Ground anchors;
 - (d) Concrete slab;
 - (e) Continuous and pot footings;
 - (f) Pile or post systems;
 - (g) Pile and post systems;
 - (h) Concrete, concrete block, or other load bearing perimeter walls; or
 - (i) Another foundation system approved by a licensed engineer.
- (3) The following parts of the chassis of a manufactured home shall be removed after the on-site construction of a permanent foundation:
 - (a) Towing hitch;
 - (b) Running gear;
 - (c) Axles;
 - (d) Brakes;
 - (e) Wheels; and
 - (f) Other parts that operate only during transport.
- (4) A foundation footing shall be considered frost-free if its depth is twelve (12) inches from grade level under the I-beam.
- (5) A perimeter footing shall be considered frost-free if its depth is twenty-four (24) inches from the final grade.

Section 3. Installation Inspections and Responsibility. (1) A retailer shall:

- (a) With respect to responsibility for site preparation and installation services;
 - 1. Perform site preparation and installation services;
 - 2. Contract with an independent certified installer to perform site preparation or installation services; or
 - 3. Assist a requesting purchaser to document the purchaser's voluntary responsibility to perform site preparation and installation functions specified in Form KMH 101 and the contract by:
 - a. Providing Form KMH 101;
 - b. Explaining the provisions of Form KMH 101;
 - c. Assisting in the completion of Form KMH 101;
 - d. Determining the readiness of the site before the home is delivered, if the contract and form relieve the retailer of the foundation construction function;
 - e. Providing the manufacturer's footing design, which the office will inspect;
 - f. Collecting an on-site inspection fee of \$100 from the purchaser at the time the contract is signed; and
 - g. Remitting the inspection fee to the office at the time of the inspection;
- (b) Supply the purchaser with Form KMH 102 at the time the contract for sale of a new or B1 seal home is executed;
- (c) Before constructing a foundation, inspect the site for soil stability, height requirements, and vegetation removal;
- (d) Ascertain that a problem revealed by site inspection is properly resolved;
- (e) When satisfied that the foundation is ready for the home to be set, notify the office, by telephone, facsimile machine, or mail, at least three (3) working days before delivering the home to the consumer's site; and
- (f) Not deliver or set up a home for which the retailer has requested a preinstallation inspection pursuant to paragraph (e) of this subsection, unless:

1. An office inspector issues Form KMH 104; or
 2. The office fails to inspect within three (3) days of receipt of the notice required by paragraph (e) of this subsection; and
 3. Foundation work has been performed properly; and
- (g) If a foundation inspection is required, forward to the Office of the State Fire Marshal a completed Form KMH 105, Request for Inspection. The retailer shall hold the inspection fee and Form KMH 101 until both items can be retrieved by the inspector from the State Fire Marshal's Office prior to the inspection.
- (2) The inspector shall:
- (a) Provide a written report, on Form KMH 104, to the office, the retailer, and the purchaser:
 1. Approving the foundation construction; or
 2. Specifying corrective action required in order to meet minimum standards for delivery of the home; and
 - (b) Not issue Form KMH 104 if the preinstallation inspection reveals nonconformity with an applicable standard.
 - (3) A retailer shall not set a home on a permanent foundation that does not comply with manufacturer's instructions.
 - (4) This administrative regulation shall not be construed to relieve any other person involved in the installation of the home from legal liability based upon that person's conduct.
 - (5) Postinstallation actions.
 - (a) The office shall order the retailer to take corrective action to bring a home into compliance if an inspection reveals that the home has been installed in violation of:
 1. Minimum installation requirements; or
 2. A contract of sale and Form KMH 101 that place responsibility on the retailer.
 - (b) A retailer failing to correct deficiencies ordered corrected by the office shall be subject to the sanctions authorized by KRS 227.630 and 227.640.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "ANSI A225.1, Manufactured Home Installations", 1994 Edition;
 - (b) "Form KMH 101, Consumer Protection Notice", September, 2007;
 - (c) "Form KMH 102, Site Preparation", Foundation and Installation Guidelines, September, 2007;
 - (d) "Form KMH 104, Release for Delivery", September, 2007; and
 - (e) "Form KMH 105, Request for Inspection", September, 2007.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Housing, Buildings and Construction, Division of Fire Prevention, Manufactured Housing Section, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (27 Ky.R. 2979; Am. 3261; eff. 6-8-2001; 29 Ky.R. 571; 965; eff. 10-16-2002; 34 Ky.R. 876; 1436; eff. 1-4-2008.)